

U.S. Serial No. 10/801,350  
Amendment and Response Dated July 25, 2006

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### REMARKS

An RCE was filed December 6, 2005. On December 13, 2005, the Examiner and the Undersigned Representative conducted an in-person interview in which differences between the cited prior art references of *Hurtle, Jr.* and *McClellan* and the claimed invention were discussed. A Preliminary Amendment was filed December 15, 2005. The Examiner issued an Office Action dated March 8, 2005. The Examiner and the Undersigned Representative conducted a telephonic interview on July 25, 2006. The claims, as shown above, have been amended in accordance with the suggestions made by the Examiner.

Claims 1 and 17 have been amended, and claims 16 and 30 have been canceled without prejudice. Claims 31-35 have been previously withdrawn. Claims 1-15 and 18-29 remain pending in this application. In view of the discussion with the Examiner and the arguments presented below, claims 1-15 and 18-30 are believed to be allowable. Thus, the Examiner is respectfully requested to withdraw the rejections.

### I. SPECIFICATION

The Examiner objected to the specification as failing to provide proper antecedent basis for the claimed subject matter. The Examiner suggested that the phrase "shank receiving cavity" be corrected. The phrase "shank receiving cavity" has been previously removed from the claims and was replaced with the phrase "shank containing region" in a prior response. Thus, the Examiner is respectfully requested to withdraw the rejection.

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## II. REJECTION OF CLAIMS UNDER 35 U.S.C. §103(a)

The Examiner rejected claims 1-10, 11, 14-15 under 35 U.S.C. § 103(a) as being unpatentable in view of *Hurtle* in view of *Pippert* and *McClellan*. The Examiner also rejected claim 13 under 35 U.S.C. § 103(a) as being unpatentable over *Hurtle* in view of *Pippert* and *McClellan*, and further in view of *Huppert*. The Examiner rejected claims 12, 17-22, 23-26, 27, 28, 29 under 35 U.S.C. § 103(a) as being unpatentable in view of *Hurtle* in view of *Pippert* and *McClellan* and further in view of admitted prior art.

Claims 1 and 17 have been amended. Claims 1 and 17 state, in relevant part, "wherein a leading edge of the weight attached to the hook is generally orthogonal to the shank and the leading edge of the weight contacts the portion of the cavity that is generally orthogonal to the shank containing region to prevent the hook from being pulled through the shank containing region." As discussed with the Examiner during the interview, neither *Hurtle, Jr.* and *McClellan* disclose a portion of an inner wall in a midsection of the body that is generally orthogonal to the shank containing region that prevents the weight from being pulled through the shank containing region. Furthermore, neither *Hurtle, Jr.* and *McClellan* disclose a leading edge of the weight attached to the hook is generally orthogonal to the shank and the leading edge of the weight contacts the portion of the cavity that is generally orthogonal to the shank containing region to prevent the hook from being pulled through the shank containing region.

In contrast, *Hurtle, Jr.* discloses a weight positioned in a cavity with walls that are inclined toward an aperture in the cavity. Thus, the walls of *Hurtle, Jr.* can permit the weight

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to be pulled through the cavity. Such a design does not accomplish what the claimed invention accomplishes. Specifically, the claimed invention prevents the weight from being pulled through the shank containing region. In other words, the claimed invention prevents the problem shown in Figure 2 of the pending application, such as when the hook is pulled through the shank containing region and causes the lure to be bent into an unnatural position that will not entice a fish strike. Thus, the claimed invention is not anticipated by *Hurtle, Jr.* and *McClellan*, nor is the claimed invention obvious in view of *Hurtle, Jr.* and *McClellan*. Thus, claims 1 and 17 and those claims depending therefrom are patentable.

Furthermore, claims 1 and 17 state, in relevant part, "wherein the weight coupled to the hook is positioned in the at least one cavity in the body such that a midpoint of the weight is proximate to a midpoint of the lure such that a longitudinal axis of the lure is generally horizontal when the lure is in water." *McClellan* states that "when rigged as shown in FIG. 4 with a soft bodied lure, the lure will remain essentially in the horizontal position shown in FIG. 6 when it falls through the water toward the bottom . . . " column 4, lines 31-34. However, as shown in Figure 4 of *McClellan* and stated in the specification at column 1, lines 67-68, column 2, lines 14-17, the invention disclosed in *McClellan* is useful for weighting a lure while also retaining the weedlessness of the lure by keeping the point of the hook buried within the lure. Fishing lures have evolved from lures with exposed hooks, such as treble hooks, to weedless fishing lures. Over the past decades, numerous inventions have been created that make lures weedless. In fact, as the Examiner pointed out, a subclass for weedless lures has even been created in the Patent Office. Thus, the trend with those of

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ordinary skill in the art is to make lures weedless. With such a trend in existence, it would not be obvious to one of ordinary skill in the art to combine the weighted hook disclosed in *McClellan* with the tube lure disclosed in *Hurtle, Jr* to create the claimed lure. Such a combination makes a point of the weighted hook extend from the lure, thereby rendering the lure nonweedless. Because the trend over the past years has been to make lures weedless, there exists no motivation in the art to take a weighted hook used in a weedless lure and insert it into a lure and create a nonweedless lure. Such a combination would be counterintuitive in the face of the trend within the fishing industry. Therefore, claims 1 and 17 are not obvious in view of this trend toward weedless lures, and the Examiner is respectfully requested to withdraw the rejections.

### III. PETITION FOR TWO MONTH EXTENSION OF TIME

This is a Petition for a Two Month Extension of Time pursuant to 37 CFR § 1.136. Please charge the fee in the amount of \$225.00 for a two (2) month extension of time pursuant to 37 CFR § 1.17(a)(2) and charge any underpayment or credit any overpayment to Deposit Account No. 50-0951. A duplicate copy of this communication is enclosed.

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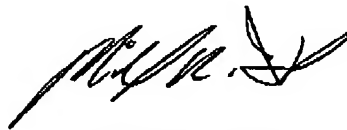
CONCLUSION JUL 25 2006

For at least the reasons given above, claims 1-15 and 17-29 define patentable subject matter and are thus allowable. The undersigned representative thanks the Examiner for the telephonic interview on July 25, 2006.

Should the Examiner believe that anything further is necessary in order to place the application in better condition for allowance, the Examiner is respectfully requested to contact the undersigned representative at the telephone number listed below.

No fees in addition to the petition for two month extension of time are believed due; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 50-0951.

Respectfully submitted,



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